

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BRUCE GORDON,

Petitioner,

v.

RON DAVIS,

Respondent.

Case No. 2:91-cv-00882-MCE-JDP (DP)

**DEATH PENALTY CASE**

ORDER DENYING PETITIONER'S MOTION  
FOR SETTLEMENT CONFERENCE

ECF No. 456

Petitioner has filed a motion that asks the court to defer consider of his pending motion for summary judgment, which is fully briefed, and to set a settlement conference.<sup>1</sup> ECF No. 456; *see* ECF No. 421. Respondent opposes the motion. ECF No. 458.

Considering the number of claims in this capital habeas case and the substantial briefing on the pending motion for summary judgment, *see* ECF Nos. 397, 421, 441, & 454, a settlement judge would need to expend significant time to prepare for a settlement conference. And given respondent's resistance to participating in settlement discussions, a settlement conference would likely be unproductive and hence a waste of scarce judicial resources. *See Garrett v. Macomber*, No. 2:16-cv-1336-KJM-AC-P, 2019 WL 6330269, at \*8 (E.D. Cal. Nov. 26, 2019) (denying motion for a settlement conference "in light of defendants' opposition"); *McCarty v. Roos*, No.

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<sup>1</sup> A hearing on petitioner's motion was held on August 12, 2021. ECF No. 460.

1 2:11-cv-01538-JCM, 2013 WL 5436578, at \*2 (D. Nev. Sept. 27, 2013) (“The Court generally  
2 does not grant motions for settlement conferences that are opposed.”).

3 Accordingly, it is hereby ORDERED that petitioner’s motion for a settlement conference  
4 ECF No. 456, is denied.

5  
6 IT IS SO ORDERED.

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8 Dated: March 31, 2022

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE